

REMARKS

This paper is filed responsive to the Office Action mailed July 1, 2004. A Petition for Extension of time is enclosed herewith. Presently, claims 1 to 16 are pending in the application. Claim 1 stands rejected under 35 U.S.C. §112, second paragraph. Claims 1 to 4, 8 to 12, 14 and 15 stand rejected under 35 U.S.C. §102(b) over the Sanderson US Patent No. 4,754,595. Claims 9 to 12 and 14 stand rejected under 35 U.S.C. §102(b) over the Langford US Patent No. 4,754,595. Claims 5, 13 and 16 stand rejected under 35 U.S.C. §103(a) over Sanderson and the Koubek US Patent No. 4,512,951. Claim 6 stands rejected under 35 U.S.C. §103(a) over Sanderson and Langford. Claim 7 stands rejected under 35 U.S.C. §103(a) over Sanderson, Langford and Koubek. Claim 13 stands rejected under 35 U.S.C. §103(a) over Langford and Koubek. Applicant traverses each rejection and requests reconsideration and reexamination of the application.

The Examiner has rejected claim 1 under 35 U.S.C. §112, second paragraph. The Examiner contends that the phrase “connectable to the inlet port and to the outlet port” is not defined in the specification. However, the specification makes repeated reference to the fact to that these items are attachable and detachable from each other. These terms are substituted for the term “connectable” by the present amendment. These terms are similar in scope and this is therefor not a narrowing amendment. Applicant submits that claim 1 particularly points out and distinctly claims the subject matter of the invention.

The Examiner has rejected claims 1 to 4, 8 to 12, 14 and 15 under 35 U.S.C. §102(b) over Sanderson. Applicants submit that Sanderson fails to teach each and every limitation of the claims and therefore fails to anticipate the claimed invention. For instance, Sanderson teaches self closing ports 20 and 22, yet is not attachable to or detachable from a source. It merely sits within an environment. Accordingly, Sanderson cannot anticipate claim 1 or the remaining claims which depend either directly or indirectly therefrom. Similarly, claim 9 includes the limitations of attaching a source of sterilizing fluid to the container and detaching the container from the source. No such procedure occurs in Sanderson and therefore Sanderson cannot anticipate claim 9 or the claims which depend either directly or indirectly therefrom.

The Examiner has rejected claims 9 to 12 and 14 under U.S.C. §102(b) over Langford. Claim 14 has been cancelled by the present amendment. Claim 9 and claim 12 which depends therefrom patentably define over Langford. Specifically, they contain the limitation of flowing the sterilizing fluid through the container and back to the source of sterilizing fluid. Langford does not contain this step and therefore fails to anticipate claims 9 and 12.

The Examiner has rejected claims 5, 13 and 16 under 35 U.S.C. §103 over Sanderson and Koubek. There is no suggestion for making the alleged combination and even if made it would fail to reach the claimed invention. The Examiner asserts that it would have been obvious to modify the system of Sanderson to substitute hydrogen peroxide for steam. However, the system of Sanderson relies upon the heat of the steam for its operation and therefore use of hydrogen peroxide would be illogical. The Examiner has also alleged without support that it would have been obvious to include the fan of Koubek in the system of Sanderson. The fan of Koubek has its motor outside of the sterilization chamber and therefore has easy access to a power source. However, a container of Sanderson is disposed within a sterilization chamber and therefore has no access to power for a fan. Accordingly, application of a fan to such a container would not be obvious. As regards claims 5, even if combined, Sanderson and Koubek do not teach the limitation of the sterilization container being attachable to a source of sterilizing fluid and detachable therefrom. This argument similarly applies to claims 13 and 16. Further as regards these claims the alleged combination of Koubek and Sanderson fails to teach the limitation of flowing the sterilizing fluid through the container, out of the container through the second port and back to the source.

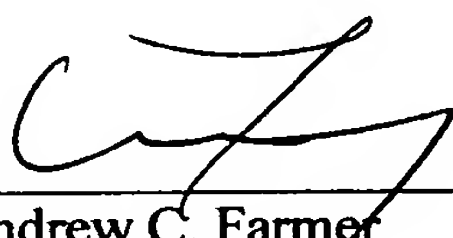
The Examiner has rejected claim 6 under 35 U.S.C. §103(a) over Sanderson and Langford. There is no suggestion for making the alleged combination and even if made it would fail to reach the claimed invention. The elaborate system disclosed in Sanderson et al. is for employment within a sterilization chamber and relies upon the operating conditions therein to effect its operation. The Examiner fails to explain how a pump from Langford could be added to the stand alone container of Sanderson. Further, even if the alleged combination were made it would fail to teach the limitation of a source of sterilizing fluid attachable to and detachable from the inlet port and the outlet port.

The Examiner has rejected claim 7 under 35 U.S.C. §103(a) over Sanderson, Langford and Koubek. As previously stated, there is no suggestion for combining the fan from Koubek with the container of Sanderson. Furthermore, even if such an alleged combination were made, it would fail to teach the limitation of a source of sterilizing fluid attachable to and detachable from the inlet port and the outlet port.

The Examiner has rejected claim 13 under 35 U.S.C. §103(a) over Langford and Koubek. This combination fails to teach the limitation of flowing the sterilizing fluid from the first port to a second port, through the container, out of the container through the second port and back to the source.

Applicants submit that each of the rejections being mooted, the application is presently in condition for allowance. Applicants respectfully request favorable reconsideration and early notice of allowance. The Examiner is encouraged to contact the undersigned attorney by telephone if would hasten prosecution.

Respectfully submitted,

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